

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 04-12691
Non-Argument Calendar

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
April 20, 2005
THOMAS K. KAHN
CLERK

D. C. Docket Nos. 02-00360-CV-4-RH
and 99-00071-CR-4-R

LAWRENCE LOMBARDI,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

Appeal from the United States District Court
for the Northern District of Florida

(April 20, 2005)

Before TJOFLAT, ANDERSON and WILSON, Circuit Judges.

PER CURIAM:

In this appeal, appellant challenges the district court's decision rejecting his Fed. R. Crim. P. 33 motion for new trial based on newly discovered evidence as time-barred because the motion was not filed within the three-year limitations period the rule prescribes. Rule 33's limitations periods are jurisdictional. United States v. Bramlett, 116 F. 3d 1403, 1405 (11th Cir. 1997). The district court therefore lacked jurisdiction to consider appellant's motion.

AFFIRMED.